

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI C.V.NAGARJUNA REDDY

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Writ Appeal No.1178 of 2006

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Between:

Smt.Bandi Sujatha Reddy

... Appellant

AND

General Manager, Telecommunications,
BSNL, Nellore District
and others.

... Respondents

:: JUDGMENT ::

Counsel for the appellants : Shri Mahadeva Kanthrigala

Counsel for the respondents : Dr.P.Bhaskara Mohan

08-11-2006

Per G.S.Singhvi, CJ

This is an appeal for setting aside order dated 6.7.2006 passed by the learned Single Judge in Writ Petition No.9026 of 2006 whereby he declined to restrain the respondents from erecting microwave cell tower.

After arguing the case for some time and realizing that the writ petition filed by his client suffers from the fatal defect of non-impleadment of Bharat Sanchar Nigam Limited as party respondent, learned counsel for the appellant made a request that he may be permitted to withdraw this appeal along with the writ petition with liberty to file civil suit.

Dr. P.Bhaskara Mohan, learned counsel for the respondents says that he does not have any serious objection.

In view of the above, this appeal as also Writ Petition No.9026 of 2006 are dismissed as withdrawn with liberty to the appellant to avail the remedy of civil suit.

As a sequel to dismissal of the appeal as withdrawn, WAMP.No.2446 of 2006 filed by the appellant is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

8.11.2006.

psr